D.B.CIVIL WRIT PETITION NO. 5828/2005
Maruanchal Vikas Samiti v. State of Rajasthan & ors.

Date of order : 06.11.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri S.S.Purohit for the petitioner.
Shri N.M.Lodha, Addl. Advocate General.

This writ petition has been filed as a public interest litigation seeking direction upon the respondents not to set up cold storage near the warehouse and the Market Committee, Mandore, Jodhpur may be asked to adhere to its resolution dated 10.10.2000 to set up the cold storage on khasra nos. 65 and 79. It is said that contrary to the said decision, the cold storage is sought to be set up near the warehouse. The respondents have filed reply in which it has been stated inter alia that the petition has been filed at the behest of the son-in-law of Chandra Prakash Deora, President of the Maruanchal Vikas Samiti, the petitioner herein, through whom the petition has been filed. It has been stated that the son-in-law of Chandra Prakash Deora has his cold storage only 500 meters away and he is therefore, wary of another cold storage being set up nearby. As regards khasra no.65, it has been stated this Court has passed stay order at the instance of the Director of the same very cold storage owned by the son-in-law of Chandra Prakash Deora. It is thus suggested that the petitioner and his

son-in-law are interested in another cold storage not being set up to avoid business rivalry.

We are satisfied in the facts and circumstances that the petition is not bona fide. On merit also this Court can not adjudicate upon the proposed site of the cold storage. The submission that the proposed site would be hazardous to the lives and safety of the residents does not cut much ice, for, fire may break in any building, and there is no basis to think that while permitting the proposed cold storage to be set up at the place, the relevant departments and agencies of the Government will overlook ensuring provisions to prevent such exigencies.

In the facts and circumstances of the case, being of the view that the writ petition is not bona fide, we dismiss it with cost of Rs. 5000/- (Rupees Five Thousand only). Cost shall be paid to the Rajasthan State Legal Services Authority within four weeks failing which the State will recover the amount in accordance with law.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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